



Rep. Monique D. Davis

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LRB094 17347 DRJ 56090 a

1 AMENDMENT TO HOUSE BILL 4544

2 AMENDMENT NO. _____. Amend House Bill 4544 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Abandoned Newborn Infant Protection Act is
5 amended by changing Sections 10, 15, 20, 25, 27, 30, 35, 40,
6 50, 55, and 65 as follows:

7 (325 ILCS 2/10)

8 Sec. 10. Definitions. In this Act:

9 "Abandon" has the same meaning as in the Abused and
10 Neglected Child Reporting Act.

11 "Abused child" has the same meaning as in the Abused and
12 Neglected Child Reporting Act.

13 "Child-placing agency" means a licensed public or private
14 agency that receives a child for the purpose of placing or
15 arranging for the placement of the child in a foster family
16 home or other facility for child care, apart from the custody
17 of the child's parents.

18 "Department" or "DCFS" means the Illinois Department of
19 Children and Family Services.

20 "Emergency medical facility" means a freestanding
21 emergency center or trauma center, as defined in the Emergency
22 Medical Services (EMS) Systems Act.

23 "Emergency medical professional" includes licensed
24 physicians, and any emergency medical technician-basic,

1 emergency medical technician-intermediate, emergency medical
2 technician-paramedic, trauma nurse specialist, and
3 pre-hospital RN, as defined in the Emergency Medical Services
4 (EMS) Systems Act.

5 "Fire station" means a fire station within the State that
6 is staffed with at least one full-time emergency medical
7 professional.

8 "Hospital" has the same meaning as in the Hospital
9 Licensing Act.

10 "House of worship" means a building that is routinely used
11 for religious ceremonies and worship services.

12 "Legal custody" means the relationship created by a court
13 order in the best interest of a newborn infant that imposes on
14 the infant's custodian the responsibility of physical
15 possession of the infant, the duty to protect, train, and
16 discipline the infant, and the duty to provide the infant with
17 food, shelter, education, and medical care, except as these are
18 limited by parental rights and responsibilities.

19 "Neglected child" has the same meaning as in the Abused and
20 Neglected Child Reporting Act.

21 "Newborn infant" means a child who a licensed physician
22 reasonably believes is 72 hours old or less at the time the
23 child is initially relinquished to a house of worship,
24 hospital, police station, fire station, or emergency medical
25 facility, and who is not an abused or a neglected child.

26 "Police station" means a municipal police station or a
27 county sheriff's office.

28 "Relinquish" means to bring a newborn infant, who a
29 licensed physician reasonably believes is 72 hours old or less,
30 to a house of worship, hospital, police station, fire station,
31 or emergency medical facility and to leave the infant with
32 personnel of the facility, if the person leaving the infant
33 does not express an intent to return for the infant or states
34 that he or she will not return for the infant. In the case of a

1 mother who gives birth to an infant in a hospital, the mother's
2 act of leaving that newborn infant at the hospital (i) without
3 expressing an intent to return for the infant or (ii) stating
4 that she will not return for the infant is not a
5 "relinquishment" under this Act.

6 "Temporary protective custody" means the temporary
7 placement of a newborn infant within a hospital or other
8 medical facility out of the custody of the infant's parent.

9 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
10 93-820, eff. 7-27-04.)

11 (325 ILCS 2/15)

12 Sec. 15. Presumptions.

13 (a) There is a presumption that by relinquishing a newborn
14 infant in accordance with this Act, the infant's parent
15 consents to the termination of his or her parental rights with
16 respect to the infant.

17 (b) There is a presumption that a person relinquishing a
18 newborn infant in accordance with this Act:

19 (1) is the newborn infant's biological parent; and

20 (2) either without expressing an intent to return for
21 the infant or expressing an intent not to return for the
22 infant, did intend to relinquish the infant to the house of
23 worship, hospital, police station, fire station, or
24 emergency medical facility to treat, care for, and provide
25 for the infant in accordance with this Act.

26 (c) A parent of a relinquished newborn infant may rebut the
27 presumption set forth in either subsection (a) or subsection
28 (b) pursuant to Section 55, at any time before the termination
29 of the parent's parental rights.

30 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
31 93-820, eff. 7-27-04.)

32 (325 ILCS 2/20)

1 Sec. 20. Procedures with respect to relinquished newborn
2 infants.

3 (a) Hospitals. Every hospital must accept and provide all
4 necessary emergency services and care to a relinquished newborn
5 infant, in accordance with this Act. The hospital shall examine
6 a relinquished newborn infant and perform tests that, based on
7 reasonable medical judgment, are appropriate in evaluating
8 whether the relinquished newborn infant was abused or
9 neglected.

10 The act of relinquishing a newborn infant serves as implied
11 consent for the hospital and its medical personnel and
12 physicians on staff to treat and provide care for the infant.

13 The hospital shall be deemed to have temporary protective
14 custody of a relinquished newborn infant until the infant is
15 discharged to the custody of a child-placing agency or the
16 Department.

17 (b) Fire stations and emergency medical facilities. Every
18 fire station and emergency medical facility must accept and
19 provide all necessary emergency services and care to a
20 relinquished newborn infant, in accordance with this Act.

21 The act of relinquishing a newborn infant serves as implied
22 consent for the fire station or emergency medical facility and
23 its emergency medical professionals to treat and provide care
24 for the infant, to the extent that those emergency medical
25 professionals are trained to provide those services.

26 After the relinquishment of a newborn infant to a fire
27 station or emergency medical facility, the fire station or
28 emergency medical facility's personnel must arrange for the
29 transportation of the infant to the nearest hospital as soon as
30 transportation can be arranged.

31 If the parent of a newborn infant returns to reclaim the
32 child within 72 hours after relinquishing the child to a fire
33 station or emergency medical facility, the fire station or
34 emergency medical facility must inform the parent of the name

1 and location of the hospital to which the infant was
2 transported.

3 (c) Police stations. Every police station must accept a
4 relinquished newborn infant, in accordance with this Act. After
5 the relinquishment of a newborn infant to a police station, the
6 police station must arrange for the transportation of the
7 infant to the nearest hospital as soon as transportation can be
8 arranged. The act of relinquishing a newborn infant serves as
9 implied consent for the hospital to which the infant is
10 transported and that hospital's medical personnel and
11 physicians on staff to treat and provide care for the infant.

12 If the parent of a newborn infant returns to reclaim the
13 infant within 72 hours after relinquishing the infant to a
14 police station, the police station must inform the parent of
15 the name and location of the hospital to which the infant was
16 transported.

17 (d) Houses of worship. A parent may relinquish a newborn
18 infant to a house of worship if a staff member of the house of
19 worship is present to accept the infant. After the
20 relinquishment of a newborn infant to a house of worship, the
21 house of worship must arrange for the transportation of the
22 infant to the nearest hospital as soon as transportation can be
23 arranged. The act of relinquishing a newborn infant serves as
24 implied consent for the hospital to which the infant is
25 transported and that hospital's medical personnel and
26 physicians on staff to treat and provide care for the infant.
27 If the parent of a newborn infant returns to reclaim the infant
28 within 72 hours after relinquishing the infant to a house of
29 worship, the house of worship must inform the parent of the
30 name and location of the hospital to which the infant was
31 transported.

32 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
33 93-820, eff. 7-27-04.)

1 (325 ILCS 2/25)

2 Sec. 25. Immunity for relinquishing person.

3 (a) The act of relinquishing a newborn infant to a house of
4 worship, hospital, police station, fire station, or emergency
5 medical facility in accordance with this Act does not, by
6 itself, constitute a basis for a finding of abuse, neglect, or
7 abandonment of the infant pursuant to the laws of this State
8 nor does it, by itself, constitute a violation of Section
9 12-21.5 or 12-21.6 of the Criminal Code of 1961.

10 (b) If there is suspected child abuse or neglect that is
11 not based solely on the newborn infant's relinquishment to a
12 house of worship, hospital, police station, fire station, or
13 emergency medical facility, the personnel of the house of
14 worship, hospital, police station, fire station, or emergency
15 medical facility who are mandated reporters under the Abused
16 and Neglected Child Reporting Act must report the abuse or
17 neglect pursuant to that Act.

18 (c) Neither a child protective investigation nor a criminal
19 investigation may be initiated solely because a newborn infant
20 is relinquished pursuant to this Act.

21 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
22 93-820, eff. 7-27-04.)

23 (325 ILCS 2/27)

24 Sec. 27. Immunity of facility and personnel. A house of
25 worship, hospital, police station, fire station, or emergency
26 medical facility, and any personnel of a house of worship,
27 hospital, police station, fire station, or emergency medical
28 facility, are immune from criminal or civil liability for
29 acting in good faith in accordance with this Act. Nothing in
30 this Act limits liability for negligence for care and medical
31 treatment.

32 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
33 93-820, eff. 7-27-04.)

1 (325 ILCS 2/30)

2 Sec. 30. Anonymity of relinquishing person. If there is no
3 evidence of abuse or neglect of a relinquished newborn infant,
4 the relinquishing person has the right to remain anonymous and
5 to leave the house of worship, hospital, police station, fire
6 station, or emergency medical facility at any time and not be
7 pursued or followed. Before the relinquishing person leaves the
8 house of worship, hospital, police station, fire station, or
9 emergency medical facility, the house of worship, hospital,
10 police station, fire station, or emergency medical facility
11 personnel shall (i) verbally inform the relinquishing person
12 that by relinquishing the child anonymously, he or she will
13 have to petition the court if he or she desires to prevent the
14 termination of parental rights and regain custody of the child
15 and (ii) shall offer the relinquishing person the information
16 packet described in Section 35 of this Act. However, nothing in
17 this Act shall be construed as precluding the relinquishing
18 person from providing his or her identity or completing the
19 application forms for the Illinois Adoption Registry and
20 Medical Information Exchange and requesting that the house of
21 worship, hospital, police station, fire station, or emergency
22 medical facility forward those forms to the Illinois Adoption
23 Registry and Medical Information Exchange.

24 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
25 93-820, eff. 7-27-04.)

26 (325 ILCS 2/35)

27 Sec. 35. Information for relinquishing person. A house of
28 worship, hospital, police station, fire station, or emergency
29 medical facility that receives a newborn infant relinquished in
30 accordance with this Act must offer an information packet to
31 the relinquishing person and, if possible, must clearly inform
32 the relinquishing person that his or her acceptance of the

1 information is completely voluntary, that registration with
2 the Illinois Adoption Registry and Medical Information
3 Exchange is voluntary, that the person will remain anonymous if
4 he or she completes a Denial of Information Exchange, and that
5 the person has the option to provide medical information only
6 and still remain anonymous. The information packet must include
7 all of the following:

8 (1) All Illinois Adoption Registry and Medical
9 Information Exchange application forms, including the
10 Medical Information Exchange Questionnaire and the web
11 site address and toll-free phone number of the Registry.

12 (2) Written notice of the following:

13 (A) No sooner than 60 days following the date of
14 the initial relinquishment of the infant to a house of
15 worship, hospital, police station, fire station, or
16 emergency medical facility, the child-placing agency
17 or the Department will commence proceedings for the
18 termination of parental rights and placement of the
19 infant for adoption.

20 (B) Failure of a parent of the infant to contact
21 the Department and petition for the return of custody
22 of the infant before termination of parental rights
23 bars any future action asserting legal rights with
24 respect to the infant.

25 (3) A resource list of providers of counseling services
26 including grief counseling, pregnancy counseling, and
27 counseling regarding adoption and other available options
28 for placement of the infant.

29 Upon request, the Department of Public Health shall provide
30 the application forms for the Illinois Adoption Registry and
31 Medical Information Exchange to houses of worship, hospitals,
32 police stations, fire stations, and emergency medical
33 facilities.

34 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;

1 93-820, eff. 7-27-04.)

2 (325 ILCS 2/40)

3 Sec. 40. Reporting requirements.

4 (a) Within 12 hours after accepting a newborn infant from a
5 relinquishing person or from a house of worship, police
6 station, fire station, or emergency medical facility in
7 accordance with this Act, a hospital must report to the
8 Department's State Central Registry for the purpose of
9 transferring physical custody of the infant from the hospital
10 to either a child-placing agency or the Department.

11 (b) Within 24 hours after receiving a report under
12 subsection (a), the Department must request assistance from law
13 enforcement officials to investigate the matter using the
14 National Crime Information Center to ensure that the
15 relinquished newborn infant is not a missing child.

16 (c) Once a hospital has made a report to the Department
17 under subsection (a), the Department must arrange for a
18 licensed child-placing agency to accept physical custody of the
19 relinquished newborn infant.

20 (d) If a relinquished child is not a newborn infant as
21 defined in this Act, the hospital and the Department must
22 proceed as if the child is an abused or neglected child.

23 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
24 93-820, eff. 7-27-04.)

25 (325 ILCS 2/50)

26 Sec. 50. Child-placing agency procedures.

27 (a) The Department's State Central Registry must maintain a
28 list of licensed child-placing agencies willing to take legal
29 custody of newborn infants relinquished in accordance with this
30 Act. The child-placing agencies on the list must be contacted
31 by the Department on a rotating basis upon notice from a
32 hospital that a newborn infant has been relinquished in

1 accordance with this Act.

2 (b) Upon notice from the Department that a newborn infant
3 has been relinquished in accordance with this Act, a
4 child-placing agency must accept the newborn infant if the
5 agency has the accommodations to do so. The child-placing
6 agency must seek an order for legal custody of the infant upon
7 its acceptance of the infant.

8 (c) Within 3 business days after assuming physical custody
9 of the infant, the child-placing agency shall file a petition
10 in the division of the circuit court in which petitions for
11 adoption would normally be heard. The petition shall allege
12 that the newborn infant has been relinquished in accordance
13 with this Act and shall state that the child-placing agency
14 intends to place the infant in an adoptive home.

15 (d) If no licensed child-placing agency is able to accept
16 the relinquished newborn infant, then the Department must
17 assume responsibility for the infant as soon as practicable.

18 (e) A custody order issued under subsection (b) shall
19 remain in effect until a final adoption order based on the
20 relinquished newborn infant's best interests is issued in
21 accordance with this Act and the Adoption Act.

22 (f) When possible, the child-placing agency must place a
23 relinquished newborn infant in a prospective adoptive home.

24 (g) The Department or child-placing agency must initiate
25 proceedings to (i) terminate the parental rights of the
26 relinquished newborn infant's known or unknown parents, (ii)
27 appoint a guardian for the infant, and (iii) obtain consent to
28 the infant's adoption in accordance with this Act no sooner
29 than 60 days following the date of the initial relinquishment
30 of the infant to the house of worship, hospital, police
31 station, fire station, or emergency medical facility.

32 (h) Before filing a petition for termination of parental
33 rights, the Department or child-placing agency must do the
34 following:

1 (1) Search its Putative Father Registry for the purpose
2 of determining the identity and location of the putative
3 father of the relinquished newborn infant who is, or is
4 expected to be, the subject of an adoption proceeding, in
5 order to provide notice of the proceeding to the putative
6 father. At least one search of the Registry must be
7 conducted, at least 30 days after the relinquished newborn
8 infant's estimated date of birth; earlier searches may be
9 conducted, however. Notice to any potential putative
10 father discovered in a search of the Registry according to
11 the estimated age of the relinquished newborn infant must
12 be in accordance with Section 12a of the Adoption Act.

13 (2) Verify with law enforcement officials, using the
14 National Crime Information Center, that the relinquished
15 newborn infant is not a missing child.

16 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
17 93-820, eff. 7-27-04.)

18 (325 ILCS 2/55)

19 Sec. 55. Petition for return of custody.

20 (a) A parent of a newborn infant relinquished in accordance
21 with this Act may petition for the return of custody of the
22 infant before the termination of parental rights with respect
23 to the infant.

24 (b) A parent of a newborn infant relinquished in accordance
25 with this Act may petition for the return of custody of the
26 infant by contacting the Department for the purpose of
27 obtaining the name of the child-placing agency and then filing
28 a petition for return of custody in the circuit court in which
29 the proceeding for the termination of parental rights is
30 pending.

31 (c) If a petition for the termination of parental rights
32 has not been filed by the Department or the child-placing
33 agency, the parent of the relinquished newborn infant must

1 contact the Department, which must notify the parent of the
2 appropriate court in which the petition for return of custody
3 must be filed.

4 (d) The circuit court may hold the proceeding for the
5 termination of parental rights in abeyance for a period not to
6 exceed 60 days from the date that the petition for return of
7 custody was filed without a showing of good cause. During that
8 period:

9 (1) The court shall order genetic testing to establish
10 maternity or paternity, or both.

11 (2) The Department shall conduct a child protective
12 investigation and home study to develop recommendations to
13 the court.

14 (3) When indicated as a result of the Department's
15 investigation and home study, further proceedings under
16 the Juvenile Court Act of 1987 as the court determines
17 appropriate, may be conducted. However, relinquishment of
18 a newborn infant in accordance with this Act does not
19 render the infant abused, neglected, or abandoned solely
20 because the newborn infant was relinquished to a house of
21 worship, hospital, police station, fire station, or
22 emergency medical facility in accordance with this Act.

23 (e) Failure to file a petition for the return of custody of
24 a relinquished newborn infant before the termination of
25 parental rights bars any future action asserting legal rights
26 with respect to the infant unless the parent's act of
27 relinquishment that led to the termination of parental rights
28 involved fraud perpetrated against and not stemming from or
29 involving the parent. No action to void or revoke the
30 termination of parental rights of a parent of a newborn infant
31 relinquished in accordance with this Act, including an action
32 based on fraud, may be commenced after 12 months after the date
33 that the newborn infant was initially relinquished to a house
34 of worship, hospital, police station, fire station, or

1 emergency medical facility.

2 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
3 93-820, eff. 7-27-04.)

4 (325 ILCS 2/65)

5 Sec. 65. Evaluation.

6 (a) The Department shall collect and analyze information
7 regarding the relinquishment of newborn infants and placement
8 of children under this Act. Houses of worship, police ~~Police~~
9 stations, fire stations, emergency medical facilities, and
10 medical professionals accepting and providing services to a
11 newborn infant under this Act shall report to the Department
12 data necessary for the Department to evaluate and determine the
13 effect of this Act in the prevention of injury or death of
14 newborn infants. Child-placing agencies shall report to the
15 Department data necessary to evaluate and determine the
16 effectiveness of these agencies in providing child protective
17 and child welfare services to newborn infants relinquished
18 under this Act.

19 (b) The information collected shall include, but need not
20 be limited to: the number of newborn infants relinquished; the
21 services provided to relinquished newborn infants; the outcome
22 of care for the relinquished newborn infants; the number and
23 disposition of cases of relinquished newborn infants subject to
24 placement; the number of children accepted and served by
25 child-placing agencies; and the services provided by
26 child-placing agencies and the disposition of the cases of the
27 children placed under this Act.

28 (c) The Department shall submit a report by January 1,
29 2002, and on January 1 of each year thereafter, to the Governor
30 and General Assembly regarding the prevention of injury or
31 death of newborn infants and the effect of placements of
32 children under this Act. The report shall include, but need not
33 be limited to, a summary of collected data, an analysis of the

1 data and conclusions regarding the Act's effectiveness, a
2 determination whether the purposes of the Act are being
3 achieved, and recommendations for changes that may be
4 considered necessary to improve the administration and
5 enforcement of this Act.

6 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
7 93-820, eff. 7-27-04.)".

8 Section 10. The Abused and Neglected Child Reporting Act is
9 amended by changing Section 4 as follows:

10 (325 ILCS 5/4) (from Ch. 23, par. 2054)

11 Sec. 4. Persons required to report; privileged
12 communications; transmitting false report. Any physician,
13 resident, intern, hospital, hospital administrator and
14 personnel engaged in examination, care and treatment of
15 persons, surgeon, dentist, dentist hygienist, osteopath,
16 chiropractor, podiatrist, physician assistant, substance abuse
17 treatment personnel, funeral home director or employee,
18 coroner, medical examiner, emergency medical technician,
19 acupuncturist, crisis line or hotline personnel, school
20 personnel, educational advocate assigned to a child pursuant to
21 the School Code, truant officers, social worker, social
22 services administrator, domestic violence program personnel,
23 registered nurse, licensed practical nurse, genetic counselor,
24 respiratory care practitioner, advanced practice nurse, home
25 health aide, director or staff assistant of a nursery school or
26 a child day care center, recreational program or facility
27 personnel, law enforcement officer, licensed professional
28 counselor, licensed clinical professional counselor,
29 registered psychologist and assistants working under the
30 direct supervision of a psychologist, psychiatrist, or field
31 personnel of the ~~Illinois~~ Department of Healthcare and Family
32 Services ~~Public Aid~~, Public Health, Human Services (acting as

1 successor to the Department of Mental Health and Developmental
2 Disabilities, Rehabilitation Services, or Public Aid),
3 Corrections, Human Rights, or Children and Family Services,
4 supervisor and administrator of general assistance under the
5 Illinois Public Aid Code, probation officer, or any other
6 foster parent, homemaker or child care worker having reasonable
7 cause to believe a child known to them in their professional or
8 official capacity may be an abused child or a neglected child
9 shall immediately report or cause a report to be made to the
10 Department.

11 Any member of the clergy having reasonable cause to believe
12 that a child known to that member of the clergy in his or her
13 professional capacity may be an abused child as defined in item
14 (c) of the definition of "abused child" in Section 3 of this
15 Act shall immediately report or cause a report to be made to
16 the Department.

17 Any staff member of a house of worship who accepts the
18 relinquishment of a newborn infant pursuant to the Abandoned
19 Newborn Infant Protection Act shall immediately report the
20 relinquishment to the Department or cause such a report to be
21 made to the Department. As used in this paragraph, "house of
22 worship", "newborn infant", and "relinquish" have the meanings
23 ascribed to those terms in the Abandoned Newborn Infant
24 Protection Act.

25 Whenever such person is required to report under this Act
26 in his capacity as a member of the staff of a medical or other
27 public or private institution, school, facility or agency, or
28 as a member of the clergy, he shall make report immediately to
29 the Department in accordance with the provisions of this Act
30 and may also notify the person in charge of such institution,
31 school, facility or agency, or church, synagogue, temple,
32 mosque, or other religious institution, or his designated agent
33 that such report has been made. Under no circumstances shall
34 any person in charge of such institution, school, facility or

1 agency, or church, synagogue, temple, mosque, or other
2 religious institution, or his designated agent to whom such
3 notification has been made, exercise any control, restraint,
4 modification or other change in the report or the forwarding of
5 such report to the Department.

6 The privileged quality of communication between any
7 professional person required to report and his patient or
8 client shall not apply to situations involving abused or
9 neglected children and shall not constitute grounds for failure
10 to report as required by this Act.

11 A member of the clergy may claim the privilege under
12 Section 8-803 of the Code of Civil Procedure.

13 In addition to the above persons required to report
14 suspected cases of abused or neglected children, any other
15 person may make a report if such person has reasonable cause to
16 believe a child may be an abused child or a neglected child.

17 Any person who enters into employment on and after July 1,
18 1986 and is mandated by virtue of that employment to report
19 under this Act, shall sign a statement on a form prescribed by
20 the Department, to the effect that the employee has knowledge
21 and understanding of the reporting requirements of this Act.
22 The statement shall be signed prior to commencement of the
23 employment. The signed statement shall be retained by the
24 employer. The cost of printing, distribution, and filing of the
25 statement shall be borne by the employer.

26 The Department shall provide copies of this Act, upon
27 request, to all employers employing persons who shall be
28 required under the provisions of this Section to report under
29 this Act.

30 Any person who knowingly transmits a false report to the
31 Department commits the offense of disorderly conduct under
32 subsection (a)(7) of Section 26-1 of the "Criminal Code of
33 1961". Any person who violates this provision a second or
34 subsequent time shall be guilty of a Class 3 felony.

1 Any person who knowingly and willfully violates any
2 provision of this Section other than a second or subsequent
3 violation of transmitting a false report as described in the
4 preceding paragraph, is guilty of a Class A misdemeanor for a
5 first violation and a Class 4 felony for a second or subsequent
6 violation; except that if the person acted as part of a plan or
7 scheme having as its object the prevention of discovery of an
8 abused or neglected child by lawful authorities for the purpose
9 of protecting or insulating any person or entity from arrest or
10 prosecution, the person is guilty of a Class 4 felony for a
11 first offense and a Class 3 felony for a second or subsequent
12 offense (regardless of whether the second or subsequent offense
13 involves any of the same facts or persons as the first or other
14 prior offense).

15 A child whose parent, guardian or custodian in good faith
16 selects and depends upon spiritual means through prayer alone
17 for the treatment or cure of disease or remedial care may be
18 considered neglected or abused, but not for the sole reason
19 that his parent, guardian or custodian accepts and practices
20 such beliefs.

21 A child shall not be considered neglected or abused solely
22 because the child is not attending school in accordance with
23 the requirements of Article 26 of the School Code, as amended.

24 (Source: P.A. 92-16, eff. 6-28-01; 92-801, eff. 8-16-02;
25 93-137, eff. 7-10-03; 93-356, eff. 7-24-03; 93-431, eff.
26 8-5-03; 93-1041, eff. 9-29-04; revised 12-15-05.)".